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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,606	02/18/2004	Maureen M. Farinella	121357.00003	5140

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EXAMINER

KAYES, SEAN PHILLIP

ART UNIT

PAPER NUMBER

2841

DATE MAILED: 10/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/782,606	FARINELLA ET AL.	
	Examiner	Art Unit	
	Sean Kayes	2841	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-8,10-15,24-28 and 33-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-8,10-15,24-28 and 33-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>9/12/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,3-5, 10, 12-14, 24-26, 28, and 33-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yao (US 6424984) in view of Ho (US 20030210226), McMillan (US 20040008589), Oooka (US 4247927), and Konoya (US 5614808.)

2. With respect to claims 1 Yao discloses a bookmark having an integrated electronic timer circuit for tracking reading times for individuals, comprising: a substrate (4, figure 2); a header (2 figure 2) integral with the substrate, the header including a time display (6 figure 1) and control panel (figure 4), the control panel having a plurality of control buttons (figure 4 shows a plurality of control buttons) for starting time and stopping time and reversing counting direction; and an electronic timer circuit (column 2 lines 43-49) housed within the header for receiving commands from the control panel and providing a timer signal to the time display, a memory circuit (column 2 lines 45-48) coupled to the timer for storing the incremental and cumulative times, a control interface (the controls shown in figure 4 constitute a control interface) having an input coupled to the control panel on the header, an audible alarm (button 26 figure 4 is the alarm button. This button has an icon with 4 lines around it. The lines indicate sound/noise emanating from the device. This shows that said alarm is audible.) coupled to the timer for

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announcing a time sequence (the alarm is coupled to the alarm timer), and a display interface (figure 4) having an input coupled to the timer and an output coupled to the time display (6 figure 1) on the header.

Yao does not disclose the time display having two digits for a first time readout and two digits for a second time readout.

Two digit time displays are known in the art. Konoya teaches a two digit elapsed time display (34 figure 1.) Similarly Oooka teaches a two digit second display (13 figure 1.)

At the time of the invention it would have been obvious to one skilled in the art to use two digit displays for Yao's first and second displays. The suggestion or motivation would be to provide a display capable of displaying elapsed time for a single unit of time as taught by Oooka (column 3 lines 30-35.) Additionally the display could be used to save space as taught by Konoya.

Yao does not disclose, the electronic timer circuit including, an oscillator for generating a clock signal, a timer receiving the clock signal to count elapsed time, the timer being configurable to track incremental times and cumulative times, and an output coupled to the timer, wherein the control interface receives commands to start time and stop time and reverse counting direction,

The use of oscillators for generating clock signals is very well known in the art.

At the time of the invention it would have been obvious to one skilled in the art to use an oscillator to supply the clock signal to the device. The suggestion or motivation for doing so would be to provide a means for accurately tracking the passage of time.

Ho teaches a timer receiving a clock signal to count elapsed time (figure 5), the timer being configurable to track incremental times and cumulative times (503 figure 5 and page 5 paragraph 73), and an output coupled to the timer (figure 5), wherein the control interface receives commands to start time and stop time.

Timing in reverse direction is well known in the art. McMillan teaches a count down timer for timing an event.

At the time of the invention it would have been obvious to one skilled in the art to provide Yao's invention with Ho's timing functions. The suggestion or motivation would be to allow a user to time how much time they are spending reading particular lengths of the book, i.e. a page.

At the time of the invention it would have been obvious to one skilled in the art to add McMillan's count down timing function to Yao's invention. The suggestion or motivation for doing so would be to allow a user to set a specific reading interval, for instance when reading a practice test book as taught by McMillan.

3. With respect to claim 10 Yao teaches the differences between claim 10 and claim 1. Yao teaches a bookmark having a substrate portion and a header portion integral with the substrate portion (figures 1 and 2.) The remaining limitations are included in claim 1 and are taught by Yao, McMillan, Ho, Konoya, and Oooka as is discussed above.

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4. With respect to claim 3 Yao, McMillan, Ho, Konoya, and Oooka teach the bookmark of claim 1, wherein at least one of the plurality of control buttons (8, figure 1) is disposed on a side portion of the header.

5. With respect to claim 4 Yao, McMillan, Ho, Konoya, and Oooka teach the bookmark of claim 1, further including a sensor (8, figure 1) for sensing an external condition and controlling the electronic timer circuit in response thereto (sensor is a pressure sensitive button.)

6. With respect to claim 5 Yao, McMillan, Ho, Konoya, and Oooka teach the bookmark of claim 1, further including a light source (6 figure 1) disposed on the header.

7. With respect to claim 12 Yao, McMillan, Ho, Konoya, and Oooka teach the bookmark of claim 10, wherein at least one of the plurality of control buttons (8 figure 1) is disposed on a side of the header portion.

8. With respect to claim 13 Yao, McMillan, Ho, Konoya, and Oooka teach the bookmark of claim 10, further including a sensor (8 figure 1) for sensing an external condition and controlling the electronic timer in response thereto.

9. With respect to claim 14 Yao, McMillan, Ho, Konoya, and Oooka teach the bookmark of claim 10, further including a light source (6 figure 1.)

10. With respect to claim 24 Yao, McMillan, Ho, Konoya, and Oooka teach the method of forming the device according to claim 1.

11. With respect to claim 25 Yao, McMillan, Ho, Konoya, and Oooka teach the method of claim 24, further including the step of providing an alarm within the electronic timer for announcing a time sequence (Button 26 figure 4 indicates an alarm.)

12. With respect to claim 26 Yao, McMillan, Ho, Konoya, and Oooka teach the method of claim 24, further including the step of providing a light source (6 figure 1) disposed on the bookmark.

13. With respect to claim 28 Yao, McMillan, Ho, Konoya, and Oooka teach the method of claim 24, wherein the electronic timer includes a memory (column 2 lines 43-49) for storing a timer count value.

14. With respect to claim 33 Yao, McMillan, Ho, Konoya, and Oooka teach a marking device for marking a book and tracking reading time, comprising: a bookmark having an interior housing (figure 2); an electronic timer circuit disposed within the interior housing (column 1 lines 54-56) of the bookmark for counting a count value, the electronic timer circuit including, the limitations of claim 1 (see rejection to claim 1.)

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15. With respect to claim 34 Yao discloses the marking device of claim 33, wherein the electronic timer further includes an alarm for announcing a time sequence (Button 26 figure 4 indicates an alarm.)

16. With respect to claim 35 Yao discloses the marking device of claim 33, further including a light source (6 figure 1) disposed on the bookmark.

17. With respect to claim 36 Yao discloses the marking device of claim 33, wherein the electronic timer includes a memory (column 2 lines 43-49) for storing the count value.

18. Claims 6, 15, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yao (US 6424984) in view of Ho (US 20030210226), McMillan (US 20040008589), Oooka (US 4247927), and Konoya (US 5614808) in further view of Bailie (US 2319436.)

19. With respect to claims 6, 15, and 27 Yao, McMillan, Ho, Konoya, and Oooka teach the bookmark of claim 1, 10, and 24. Yao does not disclose a magnifying viewing port disposed within the substrate or the associated step of providing said magnifying portion.

At the time of the invention it would have been obvious to one skilled in the art to provide a magnifying portion on the substrate portion of Yao's invention, as taught by Bailie.

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The suggestion or motivation for doing so would be add functionality to the bookmark, namely to allow a reader/user with poor eyesight to read small text.

20. Claims 6, 7, 15, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yao (US 6424984) in view of Ho (US 20030210226), McMillan (US 20040008589), Oooka (US 4247927), and Konoya (US 5614808) in further view of Tanaka (US 5382053.)

21. With respect to claims 6, 15, and 27 Yao, McMillan, Ho, Konoya, and Oooka teach the bookmark of claim 1, 10, and 24. Yao does not disclose a magnifying viewing port disposed within the substrate or the associated step of providing said magnifying portion.

Tanaka teaches attaching a magnifying lens to the substrate of the bookmark.

At the time of the invention it would have been obvious to one skilled in the art to provide a magnifying portion on the substrate portion of Yao's bookmark.

The suggestion or motivation for doing so would be add functionality to the bookmark, namely to allow a reader/user with poor eyesight to read small text.

With respect to claim 7 Yao discloses the bookmark of claim 1, Yao does not disclose a clip coupled to the bookmark.

Tanaka teaches using a clip with a bookmark.

At the time of the invention it would have been obvious to one skilled in the art to attach a clip to Yao's bookmark, as taught by Tanaka.

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The suggestion or motivation for doing so would be to allow the device to be clipped to a cover without having to mark a page.

22. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yao (US 6424984) in view of Ho (US 20030210226), McMillan (US 20040008589), Oooka (US 4247927), and Konoya (US 5614808) further in view of Ho (US 6024043.)

23. With respect to claim 8 Yao, McMillan, Ho, Konoya, and Oooka teach the bookmark of claim 1, Yao does not disclose a string extending from the bookmark for marking a book.

The use of strings to mark multiple pages is well known in the art, as taught by Ho.

Ho and Yao are analogous art because they both deal with the problem of marking pages.

At the time of the invention it would have been obvious to one skilled in the art to attach a string to Yao's invention.

The suggestion or motivation for doing so would be to allow the bookmark to mark more than one page at a time.

Response to Arguments

24. Applicant's arguments with respect to claims 1-34 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

25. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sean Kayes whose telephone number is (571) 272-8931. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tulsidas Patel can be reached on (571) 272-2098. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SK
9/19/2006

A handwritten signature in black ink, appearing to read 'Vit Miska', with a stylized, cursive script.

Vit Miska
Primary Examiner